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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DONALD R. CAMERON, *et al.*,

Plaintiffs,

v.

APPLE INC.,

Defendant.

No. 4:19-cv-03074-YGR

**STIPULATION AND [PROPOSED]
ORDER CONSOLIDATING RELATED
DEVELOPER CASES FOR ALL
PURPOSES**

BARRY SERMONS, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

APPLE INC., a California corporation,

Defendant.

No. 4:19-cv-03796-YGR

1 WHEREAS, in an effort to assure consistent rulings and decisions and to avoid unnecessary
2 duplication of effort, Plaintiffs Donald R. Cameron, Pure Sweat Basketball, Inc., and Barry Sermons
3 (collectively, Plaintiffs) and Defendant Apple Inc. (Apple or Defendant) in the actions described
4 below hereby enter into this Stipulation and [Proposed] Order Consolidating Related Developer
5 Cases for All Purposes (Stipulation).

6 WHEREAS, on June 4, 2019, Plaintiffs Donald R. Cameron and Pure Sweat Basketball, Inc.
7 filed a complaint against Apple in the Northern District of California, Case No. 19-cv-03074 (the
8 Cameron Action) asserting violations of Section 2 of the Sherman Act and California Unfair
9 Competition Law (Cameron Action, ECF No. 1);

10 WHEREAS, on June 28, 2019, Plaintiff Barry Sermons filed a complaint against Apple in the
11 Northern District of California, Case No. 19-cv-03796 (the Sermons Action) asserting substantially
12 similar facts and the same claims as the Cameron Action (Sermons Action, ECF No. 1);

13 WHEREAS, on August 22, 2019, the Court issued an order finding that the Sermons Action
14 and the Cameron Action were both related to *In re Apple iPhone Antitrust Litigation*, Case No. 11-
15 cv-06714 (Cameron Action, ECF No. 40);

16 WHEREAS, on September 30, 2019, the Plaintiffs filed their Consolidated Class Action
17 Complaint for Violations of the Sherman Act and California Unfair Competition Law (Cameron
18 Action, ECF No. 53);

19 WHEREAS, on October 10, 2019, the Court, *inter alia*, appointed Hagens Berman Sobol
20 Shapiro LLP as Interim Lead Class Counsel in the iOS developer antitrust matters (Cameron Action,
21 ECF No. 65);

22 WHEREAS, the parties agree that the Cameron Action and the Sermons Action should be
23 consolidated for all purposes, including pretrial proceedings and trial;

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the parties,
25 through their respective counsel and subject to approval of the Court to the entry of an Order
26 providing that:

1 1. The Sermons Action shall be consolidated, for all purposes, including pretrial
2 proceedings and trial, with and into the Cameron Action (the Consolidated Developer Action).

3 2. Plaintiffs' Consolidated Class Action Complaint for Violations of the Sherman Act
4 and California Unfair Competition Law filed in the Cameron Action is designated as the operative
5 complaint (Cameron Action, ECF No. 53).

6 3. If a case that arises out of the subject matter of the Consolidated Developer Action is
7 hereinafter filed in this Court or transferred to this Court from another court, the Clerk of this Court
8 shall:

9 a. File a copy of this Order in the separate file for such action;

10 b. Provide a copy of this Order to the attorneys for the plaintiff(s) in the newly
11 filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and

12 c. Make the appropriate entry in the docket for this action.

13 4. Each new case arising out of the subject matter of the Consolidated Developer Action
14 on behalf of any developer plaintiff that is filed in this Court or transferred to this Court shall be
15 consolidated with this Consolidated Developer Action and this Order shall apply thereto, unless a
16 party objecting to this Order, or any provision of this Order shall, within ten (10) days after the date
17 upon which a copy of this Order is served on counsel for such party, file an application for relief
18 from this Order or any provision herein and this Court deems it appropriate to grant such application.
19 Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a
20 separate complaint, defendant shall not be required to answer, plead, or otherwise move with respect
21 to that complaint. If a plaintiff in any such case is permitted to use a separate complaint, the
22 defendant shall have thirty (30) days from the date the Court grants such permission within which to
23 answer, plead, or otherwise move with respect to that complaint.

24 5. The Clerk of the Court is directed to administratively close the Sermons Action (Case
25 No. 19-cv-03796). All future filings shall be made in the Cameron Action (Case No. 11-cv-03074).

26 **IT IS SO STIPULATED.**

1 DATED: November 1, 2019

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DATED: November 1, 2019

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Attorneys for Defendant Apple Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

DECLARATION REGARDING CONCURRENCE

I, the undersigned, declare:

1. That I am the ECF user whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all of the signatories listed above have concurred in this filing.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of October, 2019, at Seattle, Washington.

s/ Steve W. Berman

STEVE W. BERMAN